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ABSTRACT

This paper discusses the juxtaposition of teamwork as found in school writing assignments with the value of individual work as demonstrated in the ideas of intellectual property and copyright. It begins by addressing the question of whether students perceive collaborative writing tools such as peer response as helping or hindering them when faced with writing for a grade in a writing course. It then discusses the dichotomy between ideas and expression, in terms of the contradiction of free exchange of information at the student-to-student level and published (non-free) information gathered from printed texts, oral interviews, e-mail and Web sites. It continues by describing the results of a student survey regarding individual ownership, peer response, and the recent Napster copyright lawsuit, concluding that students feel information should be free as long as there is a benefit in terms of capital, for example, exchange of written ideas for a grade. The paper concludes by proposing a portfolio system which would move conceptually from intellectual property-as-commodity toward a contextually situated concept of writing, through students acknowledging the participants in their writing processes, especially the influences of peer responders. (EF)

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by Amy Ward Martin

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What's Mine is Mine and What's Yours is Mine: Peer Response and Intellectual Property at the New Millennium

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Despite the popularity of collaborative learning techniques in writing classrooms over the last four decades, the notion of the solitary writer has not been erased from contemporary education, much less from the contemporary Western consciousness. Although such constructs as copyright laws are relatively new concepts (dating in our modern consciousness back to the Romantic era), writers on the subject of intellectual property such as Andrea Lunsford and Lisa Ede, to name only two, note that despite the rise of such concepts as postmodernism, writers remain clearly invested in retaining individual ownership over their work. And writers retain this investment with good reason. The academy, in terms of student grades and tenure requirements, valorizes the individual and individual work, yet in our composition courses we encourage our students to "work together" to peer respond and help improve each other's texts. By the same token, the working world which our students will most likely enter values teamwork, although at times the product of teamwork may be attributed to only one person—the boss or the head researcher, for example. Hence, we seem to have the beginnings of a contradiction—we teach our students to work together and help each other in a system that clearly rewards the individual.

This issue really began to hit home for me when teaching one of my own freshman composition classes a few years ago. Until recently, I taught in a freshman composition program that had a common course guide, syllabus and, in many cases, common readings for all sections. Therefore, common paper topics among not only students in one class but also among students in several sections of the course were certainly not unheard of. At about the same time in the

semester, several sections of the course were working on what came to be known as "The Campus Issue" paper. Students would choose a problem or a controversy on campus and after doing some research would write a letter to the appropriate campus office outlining the problem and proposing a solution. One of my students, whom I'll call Tonya, was researching the ever-present campus parking problem. Tonya, while not necessarily the strongest writer, was by far the hardest worker in the class and her writing was showing steady improvement due to her efforts. She knew, in comparing herself to her classmates, that she worked hard; by extension, she assumed that she was probably the strongest writer in the room, a fact she communicated to me on several occasions. When I found out at the beginning of a peer response session that she was researching campus parking, I brightened. Ricardo, a basketball player whose energies were clearly spent more on the court than in the classroom, was doing the exact same topic, and I sensed a true opportunity for a weaker writer to work side by side with a stronger one to the betterment of both writers. Clearly, since these two were working on the same topic, they might be able to help each other out.

I proposed the idea to Tonya, who was sitting by herself at a computer revising her work. She would have none of it. "He's gonna steal my stuff," she said. I explained to her that Ricardo wouldn't be *stealing* from her, that as the two of them were working on the same topic, perhaps they could *share* sources and information. Through this sharing, I noted to her, Ricardo could introduce her to new perspectives on her topic that she hadn't yet thought of. Even after I had presented her with argument that seemed convincing, at least from my perspective, Tonya still wasn't buying. "I did my research already and I don't want him to take any of it," she commented. Hesitant to press the issue any further, I let Tonya continue working on her own

while Ricardo continued to work with a group of students covering a variety of topics in their papers.

While Tonya may have been correct in her assumptions that Ricardo would view working with her as an opportunity to shirk his own research responsibilities, I was taken aback by her strong insistence in viewing collaboration with someone as a detriment to her work rather than a positive situation. Deborah Tannen, in her book *The Argument Culture*, identifies this antagonistic spirit as "The Culture of Critique" and notes that the academy fosters, both in written work and in speaking, an atmosphere in which one has to attack the arguments and ideas of others in order to stabilize and further one's own position in the academy (268-69). While students writing in a freshman composition class, for example, may not be interested *per se* in stabilizing their position in the academy, they are at least interested in producing passable writing in order to get through the course. The question becomes, then, to what extent might students view collaborative writing tools such as peer response as either helping or hindering them when faced with writing and revising papers for a grade in writing courses?

Candace Spigelman, in her 1998 *College Composition and Communication* article "Habits of Mind: Historical Configurations of Textual Ownership in Peer Writing Groups" points out that my situation with Tonya and Ricardo is more frequent that perhaps writing teachers would want. When first beginning research into the issue of textual ownership in her writing classes, Spigelman began to notice that "Several students confided that they planned their absences for peer review days so that their peers could not "steal" their ideas. One student was so fearful of intellectual theft that she would not discard her rough drafts in the trash receptacle in the public computer lab" (250). Spigelman then observed four students who worked together as a peer response group in her writing class. While these students had already worked with peer

response in her class and seemed quite comfortable with it, the tensions between individual work and collaborative processes became immediately clear in her interactions with these students. For example, when reviewing videotapes of their peer response sessions, the four students (in the case below, a student named Julie is quoted) spoke about their responses in corporate terms, using the pronoun "we":

> See, *we* couldn't get the first two sentences right because there was two questions in a row, and *we* were trying to figure that out. It took so long to figure out what *we wanted.* Like if *we wanted* two questions or we wanted to make it one question. That's what we were trying to figure out...We weren't sure if *we should put* a question mark...Two separate questions *we ended up with*, I think, like the way we had it. *We* couldn't figure out anything. (qtd in Spigelman 242-43).

However, when interviewing Edward about his group's responses to his paper, he minimized his group's role, stating that the writing group was just helping him make a decision about his work. He notes that the conflict over whether to have one or two questions was mainly occurring between group members Julie and Andrew and that Andrew wanted to keep the original format of the paper beginning with two questions. Notes Edward "'I was sticking mostly with Andrew since *I wrote it that way.*'"(qtd. in Spigelman 244). Edward felt that despite the group's input, he still retained sole authorship over the text.

Spigelman admits that her students' fierce protection over their works could be due to the penalties the academy levels for plagiarism; the students wanted to make very clear in their individual interviews with her that the other students in their group were "just helping them out" so as not to be caught doing something "wrong" by their teacher. If one looks at plagiarism in the context of copyright law, a student's concern over getting caught violating a rule becomes

even more interesting. According to copyright law, ideas fall within the public domain and are free for public use, but their expression is protected by law, the rationale being that ideas in and of themselves have little use without means of expression. A most obvious (and widely cited) example for teachers of writing would be the 1991 legal decision in which Basic Books won a lawsuit charging that the printing chain Kinko's had infringed copyright in reproducing packets of materials for college courses. While we as teachers know that little to no creative or literary effort goes into assembling already published materials in a packet for teaching purposes, Basic Books was able to argue that the selection and arrangement of these works in a course packet—in other words, the expression of these materials—constituted a violation, despite the academic "fair use" defense mounted by Kinko's.

Perhaps an even more muddled example of this idea/expression dichotomy that would be more familiar to our students would be the use of "sampling"--using the bass or melody line from a previously recorded song—in much of today's popular music. The practice of sampling has in fact evolved from artists merely sampling a beat or a hook into almost complete appropriation of another artist's song, albeit with permission. What these artists do is perfectly acceptable—the new lyrics to the easily recognizable melodies are the original expression of the artists, and the melodies themselves have been used with permission. Hence, these songs are considered the artists' original creations.

In the example of popular music, obviously, the lines between idea and expression become quite blurred, and our students hear this blurring every time they turn on the radio although they may not be immediately aware of it. And just as their favorite rap artists borrow the melodies from older songs to use in their original creations, students occasionally borrow information from both published and non-published works when writing papers; for example we

teach students to cite not only information from books and articles but also information that they obtain from web sites, email transmissions and interviews. However, when students use sources in their writing, they must always cite the work from which the *ideas* came, even if they *express* those ideas in their own words (through the use of paraphrase), in order to avoid the stigma of plagiarism. As plagiarism carries with it severe academic penalties, Spigelman's students were going to be very careful to portray their work as their own work, aided by some comments from fellow students. However, with peer response, the "idea/expression" dichotomy seems to become even more confusing, perhaps just as confusing as hearing one's favorite rap song on the radio and wondering if the bass line originated somewhere else. For example, returning to Edward's paper, the group was trying to decide if he should open his paper with two questions in a row or combine them into one question. While the group ended up deciding to keep this portion of the paper exactly the same, had they decided to combine the questions they would have been altering Edward's wording to some extent—altering his expression, but not his idea. According to what constitutes academic dishonesty, the group members' actions could have appeared slightly suspect. Is Edward in fact writing his own paper if he uses wording supplied to him by others? Had that wording been supplied by a published source, the answer would be no—he would be plagiarizing. Yet as the wording was supplied by fellow students during a peer response session, the answer is not so clear cut—students are not required to acknowledge contributions from their peers in writing papers unless those contributions seem suspect under the rules of academic dishonesty. For example, if large portions of a paper (or the entire paper itself) do not read like what we have come to know as the typical written voice of the student, then we as teachers are likely to accuse that student of academic dishonesty. Yet, in peer response sessions, we encourage this free exchange of ideas and expression and here is the

contradiction—while a free exchange of knowledge, information and text seems to exist without penalty to some extent at the student-to-student level, once students begin to deal with published texts, oral interviews that they may do with knowledgeable subjects, or information that they obtain through email or web sites, information and knowledge is no longer "free" and any attempt at free exchange results in severe academic penalties. So in this world where information is being exchanged at a rapid rate and is being regulated almost as quickly, what do we as teachers of writing do about peer response? Do we need to do anything at all? Do we make students cite their peer response groups as sources? Do we consider peer response an "other," a category which exists outside discussion of intellectual property? Just what is, could, or should be the relationship of peer response to intellectual property?

While my investigations into these issues are still in their initial stages, I found that students at the small college where I teach gave some interesting answers when surveyed about matters of ownership. I was able to survey forty students who either are taking or have taken the college's writing requirement or some equivalent thereof; therefore, all students are familiar with peer response. Students answered a series of survey questions that dealt both with their comfort level regarding the use of peer responses as well as their comfort level regarding Napster, the popular web site which has been embroiled in litigation with record companies and artists over copyright infringement. I surmised that students might exhibit some discomfort over incorporating the expression and ideas of their peers into their papers, but that they would be supportive of Napster on the grounds that musicians are able to make enough money on concerts and other promotions to warrant free public downloading of their copyrighted music. But the students, as they so often do, surprised me on several accounts.

Only 32% of respondents to the survey stated that they would be uncomfortable working with a peer responder who had the same paper topic as they did. Like Tonya, the previously mentioned student of mine from a few years ago, these students expressed some concern for intellectual theft. As one student stated when asked to explain her response, "I would be very worried that they may use one of my ideas" (Martin, February 2001). Some students expressed this fear in terms of the competition that could arise between two people with the same topic. Selena, a student who stated that she would be at least somewhat uncomfortable in this situation, expressed the competition in terms of grades. She commented, "I would feel a little uncomfortable because I might feel that person might take my information and this would probably lead them to get a better grade" ("Selena," February 2001).

While Selena and others expressed discomfort, 68% of the students who responded to the survey stated that they would be comfortable working with a peer responder who had the same paper topic as they did. When asked to explain their responses, many of these students' responses were similar to the argument I presented to Tonya a few years ago in trying to persuade her to work with Ricardo—collaborating with someone can help one to see ideas and perspectives on a topic that one may not have realized previously. As one student stated, he would be very comfortable engaging in peer response with someone who was working on the same topic "because they have knowledge of the same subject and may know something more than I do" (Martin, February 2001). Curiously enough, however, academic competitiveness also entered into some respondents reasons as to why they *would* want to work with someone who had a similar paper topic, and these respondents answered along the lines of the following: "I like to see what my competition thinks is good; therefore, I can write better than they do" (Martin, February 2001). For these students then, peer responding with someone who shares a

paper topic isn't about sharing information or helping out a fellow student—it is about *getting ahead of* and *doing better than* that student.

While a few students expressed fierce competition in peer responding to students with similar paper topics, most students view general peer response situations as an opportunity to help and be helped. When asked if they were bothered by using someone else's words, ideas and/or suggestions in a paper for which they were going to take credit, 81% of respondents stated that they were not bothered at all. However, a closer inspection of their explanations for their responses reveals some interesting shades of interpretation. Much like the students in Spigelman's study, students who participated in my survey were very careful to state that they viewed peer response as an aid and that in the end, they retained sole ownership over their written works. For example, one student stated in her response that "We are all here to help each other. I give ideas and receive ideas. It's not like you're losing anything by helping someone out" (Martin, February 2001). Another student stated, as did many, that use of peer responses is always up to the writer: "Constructive criticism helps me to be a more efficient writer and thinker. It is mostly suggestions—you are not being forced to use your peer responses" (Martin, February 2001). Other students, however, admitted to the outright appropriation of other's words in order to improve their writing. For example, note the response of the following student: "I'd prefer to use someone else's words if it means my paper is going to make more sense" (Martin, February 2001). Still other students saw peer response in terms of their grades, much as those who saw peer responding to the paper of someone with a similar topic saw that process in terms of competition. In the words of one student: "The peer response is helping me get a better grade in the class. I wrote the paper—they (the peer responder) did not" (Martin, February

2001). Note that this student still claims sole ownership of his/her paper, despite the help of peers.

What becomes clear from the discussion of the first two questions on my survey is that while many students see peer response as benevolently helpful—both in general and in the case of responding to students with similar paper topics—that help comes with a cost of sorts. In other words, students feel that their papers belong to them alone, and peer response is only helpful in allowing them to write better towards the goal of getting a better grade. This commodification of the peer response process becomes even more interesting in light of the current copyright infringement case against the music-sharing website Napster. While Napster and its creators are still seeking to settle their differences with record companies over copyright violations, at the time of the survey a decision had been reached that would require Napster users to pay a small fee to use the service, a cost which would then be used to compensate the record companies and artists for lost revenue due to the free public downloading of their copyrighted materials. I asked students if they felt the use of Napster should be free, and I also asked if they felt artists—meaning artists in the broad sense of visual artists, musical artists, and/or writers--should be compensated for the public use of their work. I note here that many artists, of course, do not own their work and that ownership rests in the hands of a publishing entity; in an effort to keep my survey as uncomplicated as possible I did not address this issue with students, choosing instead to frame my question in terms of a "producer to product" relationship (i.e. "Should the producer of a product be compensated for the public's use of that product?). Students were more evenly split on this issue, with a slight majority (54%) responding that not only should Napster be free but also art should be free for public consumption without any compensation to the artist; 41% felt that artists should be compensated and 5% had no opinion on this issue. For students

on both sides of this issue, money as compensation played a large role, particularly from the vantage point of music artists. One student who supported the idea of compensation stated that he would feel violated if not compensated for the public use of his work. He comments, "If I were a recording artist, I would feel violated [because] music pays the bills and puts food on the table" (Martin, February 2001). Many students noted along these lines that a service such as Napster has the potential to cut into record sales because people no longer feel compelled to buy CDs that cost $15 or more when songs are available for free. Students in the majority, however, felt that Napster is a promotional tool which in turn leads to artists *making* money—for example, a user downloads a song from Napster, and based upon the song, goes out and purchases the artist's CD. One student in particular felt that compensation plays too large a role in the exchange of artistic product. The student, Sally, comments:

> People burn CDs and record tapes to give to friends for free all of the time—they aren't getting fined. The artists who are whining about being "robbed" forgot why they play music in the first place—for the fans. If Napster is being fined or has to change its policies then the musicians out there are right up there with the overpaid, underworked sports stars who make millions a year to wear a certain pair of sneakers. People in this world don't do anything for the joy of it anymore—just for the money it makes ("Sally," February 2001).

Obviously, Sally is conflating a person being compensated for product endorsement with a person being compensated for the public's use of a product which he/she produced. She does, however, bring up an interesting point as to what is truly at stake in the Napster decision. Sally, more than any other respondent to my survey, seems to bemoan the fact that the payoff in producing artistic product does not lie in the aesthetic pleasure of enjoying the art itself—both on

the part of the producer and the consumer— but rather in monetary gain. However, her response is also typical of those who were opposed to the decision against Napster; students were angered by having to pay for downloads not because of any desire for the free sharing of information and knowledge but simply because they did not want to see already wealthy artists getting wealthier at their expense.

In short, students do not view using peer responses as intellectual property theft because peer responders are just helping out with a paper over which they ultimately retain sole ownership and a grade. However, artists should not have to be compensated for the public use of their artistic products because students want free access to such product, particularly music; in other words, everyone should get to "own" through downloading the musical products artists and songwriters produce. Students, then, would seem to be in favor of the free exchange of information as long as that exchange benefits them in terms of capital—they want their music for free and they want to use their peer responses as they choose, so long as they get a good grade. Andrea Lunsford and Susan West, in their article "Intellectual Property and Composition Studies" point out this commodification of student papers in the academy; student papers are a form of property that is commodified into grades which students then trade as currency in exchange for degrees, professional school admissions, and jobs (398). This commodification is further evidenced by another favorite internet hobby of some students—downloading completed papers from websites for a price. Students are paying money for a text that they did not produce, yet because they paid for it, they can claim that text as their own and reap the benefits (good grades, degrees, jobs) that the paper can in turn "purchase" for them.

Lunsford and West note that composition instructors have only recently become aware of the needs to address issues of intellectual property in the classroom, an awareness spawned

mainly by the free and rapid exchange of information over the internet. They propose that composition instructors view the classroom itself as a network, a network in which teachers and students work to imagine new systems of value regarding intellectual property and concepts of ownership. They note that these reimagined systems will focus not so much on the knowledge products themselves but on the processes through which knowledge is produced and amassed and through acknowledging that both students and teachers are situated within a network of others who shape our views of language (403). While I join Lunsford and West in this call to action, I realize that as teachers of writing we are somewhat constrained by the institutions within which we work. Colleges and universities, and indeed our entire capitalistic society, are driven by grades and their societal equivalents (performance salary increases on jobs, for example) and what those grades can in effect "purchase." Given the constraints of this system, I will not use this forum as a place to call for the elimination of grades or for the elimination of the spectre of plagiarism which the academy imposes upon students. What I propose is a sort of compromise—a middle step, perhaps, between eliminating grades and academic dishonesty policies or making these policies stricter in light of our electronic age. This compromise proposes a way for students to highlight the participants in the knowledge-making process involved in composing their essays.

My writing classes are predicated on a portfolio system in which students write a certain number of papers as mandated by our writing program. Students receive participation credit for writing drafts and bringing those drafts to class for peer response sessions. At the end of the semester, students are allowed to choose the papers which they would like to revise further to appear in their portfolios which are holistically graded, again within certain limitations imposed by our writing program. For example, the research paper is considered the capstone of our

particular writing course; therefore, I require that all students must put their research papers into their portfolios. Lunsford and West note that the portfolio system, although seen as an alternative evaluation technique, is still predicated upon the notion of a solitary author who "trades in" the portfolio for a grade (398). While I cannot work around having to assign a grade to student portfolios, I do make every attempt to acknowledge, and help my students to acknowledge, the participants in the process which resulted in the composition of their portfolio based upon a system that has been practiced program-wide by instructors in the Illinois State University writing program for several years. Before I respond to student drafts in progress, I ask students to write a short in-class essay in which they reflect upon the development of the essay. In addition to asking students to specifically describe the changes their papers have undergone from draft to draft, students are asked to name their peer responders and describe the role that their peer responders played in these changes. In other words, students are asked to acknowledge who in the class helped them with their essays and they are asked to describe how these students helped them. Short of asking students to cite peer responders as references on "Works Cited" pages, these reflective writings are the best way I know how to encourage students to acknowledge the participants in their writing processes. At the end of the semester, these short reflective writings are compiled into a longer reflective essay which serves as the introduction to their portfolios.

I certainly do not propose these reflective writings as a definitive solution to issues of intellectual property and academic property-as-commodity; in fact, I acknowledge that these writings may help to reinscribe ownership and the concept of everyone giving credit where credit is due. But given the constraints of the academy and the society in which we as writing teachers must do our jobs, I view these reflective writings as a good way to help students to see that their

writing exists within a larger societal context, a context that not only includes the published and electronic sources that they must formally cite, but also the fellow students with whom they work in all writing situations. Perhaps if Tonya, my student from a few years ago, had known that Ricardo would have had to acknowledge her in a reflective essay on his "Campus Parking" paper, then she would have been more willing to work with him after all.

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